IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4362 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3628/2007
CMP.2231/2007 of ADDL.C.J.M.,TRIVANDRUM
CRIME NO.51/2007 OF PETTAH POLICE STATION, THIRUVANANTHAPURAM

.....

: PETITIONER/10TH ACCUSED:

PRASANTH D., S/O. DEVARAJAN,
TC.3/627, AATTIPRA HOUSE, NEAR ATTIPRA MELATHU
BHAGAVATHY TEMPLE, ATTIPRA VILLAGE, KULATHOOR P.O.
THIRUVANANTHAPURAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
PETTAH POLICE STATION, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4362 of 2007

Dated this the 19th day of July, 2007

ORDER

Application for regular bail. The petitioner is the 10th accused. An earlier application for bail filed by him was dismissed by this Court as per order dated 26.06.07. This order therefore has to be read in continuation of that order as I find it unnecessary to repeat the facts which have been referred to there.

2. That application was dismissed with the observation that the petitioner can move this Court again at a later stage of investigation, not, at any rate, prior to 10.07.07. Accordingly, this application has been filed on 11.07.07. That observation cannot give rise to any doctrine of legitimate expectations. That observation was made purely to ensure that unnecessary repeated applications are not made.

3. The learned counsel for the petitioner submits that subsequent to the order dated 26.06.07, the investigation has made much progress. Three of the four absconding accused have now been arrested. Two accused persons have been granted bail by default already. In these circumstances, the petitioner may also be granted bail, submits the learned counsel for the petitioner.

4. The application is opposed by the learned Public Prosecutor. The learned Public Prosecutor reiterates that the petitioner is the person who allegedly played a dominant role in the commission of the crime. He was the chief conspirator allegedly and it was at his instance that the crime allegedly was committed. Serious view is bound to be taken not only against the hired criminals, but also against those persons who engage such criminals, submits the learned Public Prosecutor. In a serious crime like this, the investigator may be granted reasonable time to complete the investigation after the arrest of the principal accused like the petitioner herein, submits the learned Public Prosecutor.

5. The learned Public Prosecutor incidentally submits that the petitioner is a very influential and affluent person and has the wherewithal to influence witnesses and frustrate the investigation. The learned Public Prosecutor points out that in the course of search of the petitioner's premises, files of the P.W.D department, which ought to have been available in the office, were traced and that indicates the influence and powers of the petitioner, submits the learned Public Prosecutor.

6. It is unnecessary to attempt to resolve the said controversies raised. Suffice it to say that I am not persuaded to agree that the petitioner is entitled to be enlarged on bail even at the present stage.

7. This application for regular bail is, in these circumstances, dismissed. To avoid unnecessary and frequent applications, it is further directed that the petitioner shall be at liberty to move the learned Sessions Judge or this Court for bail again at a later stage of the proceedings - not, at any rate, prior to 09.08.07. The investigators must attempt to complete the investigation as expeditiously as possible.

(R.BASANT, JUDGE)

rtr/-